REMARKS

The present amendment is in response to the Office action dated August 28, 2006, where the Examiner has rejected claims 1-4, 6-11, 13, and 14. In the present amendment, claim 1 has been amended. New claim 15 has been added. Accordingly, claims 1-4, 6-11, and 13-15 are pending in the present application with claims 1, 8, and 15 being the independent claims. Reconsideration and allowance of pending claims 1-4, 6-11, and 13-15 in view of the amendments and the following remarks are respectfully requested.

A.   Rejection of Claims 1-4, 6-11, 13, and 14 Under 35 USC §102

Claims 1-4, 6-11, and 13-14 stand rejected under section 102(e) as being anticipated by U.S. Publication No. 2002/0173326 ("Rosen"). Applicant has amended claim 1.

In support of the rejection of independent claim 1, the Office Action cites Rosen as teaching a method for initializing a push-to-talk call over a wireless network. A close reading of Rosen, however, demonstrates that this is not the case. Importantly, Rosen is directed toward a method for obtaining the floor (i.e., reserving the ability to transmit) in an <u>already established</u> push-to-talk call. Thus, Rosen is not directed toward initializing a push-to-talk call over a wireless network. Rosen instead requires that a push-to-talk call is already established and in process.

More specifically, Rosen teaches that a group of communication devices defines a closed net (¶24). According to Rosen, when a net member wants to transmit information other net members, the user presses the push-to-talk button, which sends a

floor-control request <u>to obtain the transmission privilege</u> from a communications manager (¶32). Rosen does not teach that this request identifies a recipient handset as required by amended claim 1. To the contrary, the request is directed to the communications manager that is handling an established push-to-talk call amongst the net members. Thus, the push-to-talk call according to Rosen is already established.

Rosen further describes an arbitration process by which a net member can obtain the transmission privilege. This arbitration process required by Rosen significantly diverges from the method of claim 1.

In contrast, claim 1 is directed toward the original initialization of a push-to-talk call. Claim 1 requires that the push-to-talk initialization request identifies a recipient handset and that the recipient handset be located by an announce message that is broadcast from a plurality of base stations to locate the recipient handset. Rosen does not teach this.

Furthermore, claim 1 does not require an arbitration process through which a single net member obtains transmission privilege. Such a process takes place, if so desired, well after the initialization of a push-to-talk call and is beyond the scope of the method defined by claim 1.

Rosen is also cited as teaching that a push-to-talk request is translated into an announce message. However, the cited passage from Rosen discusses packetizing voice data for distribution over a packet network. Packetizing (i.e., breaking down voice data into small discrete segments for delivery in small data grams) teaches nothing with respect to translation of a push-to-talk request message so that is becomes a push-to-talk announce message. For example, a push-to-talk request can be packetized as

taught by Rosen, but it remains a push-to-talk request. To translate a push-to-talk message type into an announce message type is different and not taught by Rosen.

      To clarify claim1, however, Applicant has amended this element such that it now requires that an announce message corresponding to the push-to-talk request is created. Rosen does not teach creating an announce message that corresponds to the push-to-talk request. Applicant asserts that this amendment does not narrow the scope of the amended element pursuant to *Festo*.

      Notwithstanding the fact that Rosen does not contemplate an announce message as specified by claim 1, Rosen is additionally cited as teaching that the announce message is addressed to the recipient handset. The passage cited as teaching this discusses sending traffic to net members after the requesting user has been granted the transmission privilege. This passage demonstrates that Rosen does not address the initialization of a push-to-talk call, and does not contemplate an announce message, since claim 1 requires an announce message and a corresponding acknowledgement message before an audio channel is even opened that can carry traffic. Accordingly, Rosen fails to teach this element of claim 1.

      Additionally, the step of broadcasting the announce message is not taught by Rosen since Rosen does not contemplate the use of an announce message. Finally, Rosen is cited as teaching receiving an acknowledgement message corresponding to the announce message. Again, because Rosen does not teach an announce message it also does not teach a corresponding acknowledgement message. Also, Applicant has amended the receiving step to emphasize that the acknowledgement message is

received via just one of a plurality of base stations, which is not taught by Rosen's point to multi-point system.

Accordingly, Rosen does not fairly teach the method defined by amended independent claim 1. Claims 2 – 4 and 6 – 7 which depend from claim 1 enjoy at least the distinctions of claim 1, add further limitations that are also not anticipated by Rosen, and are, therefore, presently in condition for allowance.

With respect to independent claim 8, many of the same failings of Rosen apply to the elements in claim 8. Specifically, Rosen is cited as teaching that a first base station receives an acknowledgement message from the target handset in response to an announce message. Rosen teaches no such system. The cited passage from Rosen discusses a communication manager, which is clearly not a base station according to Rosen (see Fig. 1 – the base station is element 116, the communication manager is element 110).

Furthermore, the cited passage is discussing the context where the communication manager receives a transmission privilege request from a requesting net member. This is the sending handset according to Rosen, not the target handset, as required by claim 8. Thus, the cited passage from Rosen is discussing the opposite end of the communication link than the element in claim 8.

Moreover, the entire teaching of Rosen is directed toward an already established push-to-talk call. Rosen does not teach any system or method for initializing a push-to-talk call as explained above.

For these reasons, combined with the reasons that claim 1 is not anticipated, Rosen does not fairly teach the system specified by amended independent claim 8.

Claims 9 – 11 and 13 – 14 which depend from claim 8 enjoy at least the distinctions of claim 8, add further limitations that are also not anticipated by Rosen, and are, therefore, presently in condition for allowance.
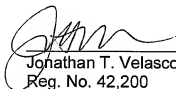

B.   New Claim 15

New independent claim 15 has been added and is directed toward a method for initializing a push-to-talk call between a calling handset and a recipient handset where the communications between the handsets and the base stations take place in a reverse link channel or a forward common control channel. Claim 15 further requires that the communication protocol of the push-to-talk initialization request be converted into internet protocol for delivery over the wired network portion of the system that includes the push-to-talk server. Rosen nowhere teaches these limitations found in independent claim 15 and Applicant asserts that claim 15 is presently in condition for allowance and requests a notice of allowance of at least claim 15.

C.   Conclusion

For all the foregoing reasons, an early allowance of claims 1-4, 6-11, and 13-15

pending in the present application is respectfully requested. If necessary, applicant

requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply

in the above-identified application and to charge the fees for a large entity under 37

CFR 1.17(a). The Director is authorized to charge any additional fee(s) or any

underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of

Kyocera Wireless Corp.

Respectfully Submitted,

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